
Executive Order #4

Invalidation of ASUC SPRING ELECTION "V.O.I.C.E. Initiative Referendum"

- Whereas: the Associated Students of the University of California is obligated to articulate and represent the student interest in the governance of the campus and is committed to honest and transparent student representation in all areas of student concern; and,
- Whereas: UC Berkeley Campus policy on referenda states, "The conduct of the referendum election shall conform to the principles of democracy and fairness. All participants, whether on advisory committees, in student government, in the sponsoring unit, on election campaign groups, or otherwise involved, shall abide by these principles. These principles include the right of voter access to complete and accurate information"; and,
- Whereas: UC Office of the President policy 87.00 on referenda states, "The referendum process set forth in Section 82.00 of these Policies shall not be available either to establish a new compulsory campus-based student fee, or to lock in an increase to an existing such fee, for the purpose of supporting any non-University organization, program, or activity,"; and,
- Whereas: The Daily Californian is currently an independent newspaper and is a 501(c)3 independent organization, and is thus a non-University organization; and,
- Whereas: Additionally, similar to other vendors on campus, the Daily Cal, as an independent non-University entity, pays rent to be on campus and has a previous contract with campus allowing it to distribute its newspaper on campus distinguishing the Daily Cal from student organizations; and,
- Whereas: According to campus and UC Office of the President officials, in order for independent organizations to receive funding through a campus-based fee referendum there must be an Memorandum of Understanding (MOU) between campus and the organization in order to affiliate the organization (in this case the Daily Cal) more closely with the campus before the referendum can be officially adopted by the UC President, however to date there are no examples of this for student referendum purposes with non-University entities and this case would set precedent for future policy; and,

- Whereas: In order for students to vote on the Vitalizing Online Information and Community Exchange (V.O.I.C.E.) Initiative as a referendum they must do so with full disclosure and accurate information on the terms of the MOU and the new relationship that must be established between the Daily Cal and campus as well as any potential restructuring that this MOU causes; and,
- Whereas: Campus and Office of the President officials have said that such an MOU would potentially impact both the independence and financial oversight of the Daily Cal newspaper; and,
- Whereas: The initiative on the ballot reads as follows: “The Daily Californian has faced a significant decline in advertising revenue over the last several years due to severe structural shifts in the journalism industry — this has left it open to the possibility of cutting days of print. Do you approve a \$2 semesterly student fee, thirty-three percent of which will go towards financial aid as per the campus’ Return-to-Aid policy, beginning in fall 2012 and remaining at a constant rate for five years in order to ensure that The Daily Californian can afford to maintain its print editions while allowing it to continue to pursue new avenues of sustainability and expand its online presence?”; and,
- Whereas: Nowhere in the ballot or official referendum language of the V.O.I.C.E. Initiative is there mention of an MOU or the terms of this MOU; and,
- Whereas: The Campus Whistleblower Program has received letters stating grievances against the V.O.I.C.E. Initiative stating that because the Daily Cal is an independent entity it cannot receive mandatory student fees if the students do not have oversight over the Daily Cal’s operations; and,
- Whereas: It is the role of the ASUC student leadership to ensure that students are able to vote in a transparent and fair election and are ensured full and accurate information in order to make informed decisions on all student fee referendum and to make sure that our elections processes and referenda do not violate existing ASUC, campus, and University policies; and,
- Whereas: The ASUC respects and values The Daily Cal as an independent newspaper and an appreciated means of news, expression, and unbiased reporting on campus issues; and,
- Whereas: Failure to follow known campus and University policies puts the ASUC and students at risk; and,
- Whereas: Article II, Section 2C of the ASUC Constitution grants the President power to “direct by Executive Order the taking of actions which are

urgent and necessary to maintain the functioning of the ASUC until the Senate can again meet.”; and,

Whereas: the Graduate Assembly President, the Dean of Students, the Co-Chairs of the Committee on Student Fees, a Co-Chair of the Student Fee Referenda Committee, the campus Chief Finance Officer, and UC Office of the President Policy and Program Analyst of Student Affairs; have all been consulted prior to the issuance of this order; therefore be it

Ordered: The current ballot shall remain the same but the “V.O.I.C.E.” Initiative Referendum is void for the Spring 2012 ASUC election.

So ordered this 11th day of April 2012



Vishalli Loomba
ASUC President